

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

MATTHEW E. ORSO as successor trustee
to Kenneth D. Bell in his capacity as court-appointed
receiver for Rex Venture Group, LLC d/b/a/ ZeekRewards.com,

Plaintiff,

v.

CARA MANCO,

Case No: 8:21-mc-0095-KKM-JSS

Defendant,

v.

BANK OF AMERICA, N.A.,
JP MORGAN CHASE BANK, N.A.,
WELLS FARGO BANK, N.A.,
TD BANK, N.A., and
UNITED SERVICES AUTOMOBILE ASSOCIATION

ORDER

Before the Court is Plaintiff's "Motion for Appointment of Process Server." (Doc. 17.) Plaintiff asks the Court, pursuant to Federal Rule of Civil Procedure 4.1, to specially appoint ABC Legal to serve the court-ordered writs in this matter upon the garnishees.

Federal law governs who may serve a writ of garnishment. See Fed. R. Civ. P. 69(a)(1) ("The procedure . . . in proceedings supplementary to and in aid of

judgment . . . must accord with the procedure of the state where the court is located but a federal statute governs to the extent it applies.”). The Federal Rules of Civil Procedure have the force of a federal statute. See *Sibbach v. Wilson & Co.*, 312 U.S. 1, 13 (1941); *Off. Depot Inc. v. Zuccarini*, 596 F.3d 696, 701 (9th Cir. 2010); see also 28 U.S.C. § 2072 (authorizing the Supreme Court to prescribe rules for the United States district and appellate courts). For process other than summons or subpoenas, the Federal Rules of Civil Procedure require service from a United States marshal or deputy marshal or “by a person special appointed for that purpose.” Fed. R. Civ. P. 4.1; see also *Sumner v. Garner*, No. 6:18-cv-40-ORL-28GJK, 2019 WL 6716193, at *1 (M.D. Fla. Dec. 9, 2019) (appointing special process server to serve writ of garnishment).

Accordingly, it is **ORDERED**:

1. Plaintiff’s Motion for Appointment of Process Server (Doc. 17) is **GRANTED**.
2. The Court hereby appoints and authorizes any employee or agent of ABC Legal, who is otherwise legally permitted to effectuate service of process under applicable law, to serve the writs of garnishment on the garnishees in this matter.

ORDERED in Tampa, Florida, on August 27, 2021.


Kathryn Kimball Mizelle
United States District Judge